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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,333	08/21/2001	David Goldberg	105864	6794

27074 7590 07/16/2003

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EXAMINER

LAO, LUN YI

ART UNIT	PAPER NUMBER
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2673

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/682,333

Applicant(s)
Goldberg et al

Examiner
Lun-yi Lao

Art Unit
2673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 10, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on Jun 10, 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Saitoh(5,444,499).

Saitoh teach a method for communicating with a responsive device(see figure 5) using a physically manipulatable device(R1, R2 ... RN) comprising placing a physically manipulatable device(R1, R2 ... RN) in communication relationship with responsive device and a physically manipulatable device(R1, R2 ... RN) communicate responsive device(see figure 5; column 5, lines 35-68 and column 6, lines 1-2). Saitoh teaches a memory(122) for storing information about the user(father or mother or child) having the level of authority(high level for father and mother, lower level for a child) of the user(father or mother or child(see figures 5-6; column 5, lines 46-68 and column 6).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

4. Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Fishkin et al(6,60,540).

As to claims 1 and 5, Fishkin et al teach a method for communicating with a responsive device(612) using a reified device or a physically manipulatable device(620 or 640 or 642) comprising storing information about the user in a physically manipulatable reified device(620 or 640 or 642) (see figures 43, 44 and column 23, lines 1-15); placing the reified device or a physically manipulatable device(620 or 640 or 642) in communication relationship with responsive device(612) and physically manipulating the reified device or a physically manipulatable device(644) communicate responsive device(612)(see figures 1, 43-44; column 22, lines 35-68; column 23 and column 24, lines 1-34). Fishkin et al teach a method for storing information about the user having level of authority of the user(see figure 44 and column 24, lines 16-33)

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Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 6 and 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishkin et al(6,160,540) in view of Goodman et al(5,402,492).

As to claims 2, 6 and 9-10, Fishkin et al fail to disclose the level of authority of the user is a system administrator.

Goodman et al teach a method having the level of authority of the user(a user who has a hardware key(230)) is a system administrator(see figure 2; abstract; column 1, lines 55-67; column 5, lines 15-31 and column 6, lines 1-26). It would have been obvious to have modified Fishkin et al with the teaching of Goodman et al, since Fishkin et al have disclosed users could have different authorization levels(see column 24, lines 28-33) and Fishkin et al as modified by Goodman et al could make a system more secure from access by a fraudulent user who wishes to intercept the security communications(see Goodman's column 1, lines 52-54).

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7. Claims 3-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fishkin et al(6,160,540) in view of Woolston(5,845,265).

Fishkin et al teach a method for storing information(identification or password) about the user in a physically manipulatable reified device(620 or 640 or 642) (see figures 43, 44 and column 23, lines 1-15); Fishkin et al fail to disclose the storing information having an asset of a user with a credit card number.

Woolston teaches the identification number could be a credit card number(see figure 2 and column 9, lines 10-14). It would have been obvious to have modified Fishkin et al with the teaching of Woolston, since using a credit card number as an ID number is more secure and more protection since the other users would not easy to find out and easy to get it.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hicks et al(6,567,793) teaches a controlling system having a public key and private key.

9. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi, Lao whose telephone number is (703) 305-4873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

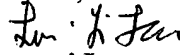
(703) 872-9314 (for Technology Center 2600 only)

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Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

July 12, 2003


Lun-yi Lao
Primary Examiner